

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

V.

Lyndon Aukeem Swarn,

Defendant.

Court File No.: 20-CR-00141(DWF/TNL)

AFFIDAVIT OF JOSEPH S. FRIEDBERG

## Affidavit of Counsel

Joseph S. Friedberg, being duly sworn, deposes and says;

1. That he and Robert Richman, esq. are now and will continue to be counsel for defendant, Lyndon Swarn, in the above entitled matter.
2. That in several of the counts of the indictment charges include allegations of possession and distribution of the drug, fentanyl, a controlled substance.
3. That the alleged fentanyl is allegedly injected into another substance which is allegedly not a controlled substance but may outwardly appear to be a controlled substance.
4. That DEA Chemical Analysis Forms identify the exhibits in question as exhibit number 5.01,5.02, case number IJ-19-2018, LIMS number 2019-SFLS-07737 and reports the analysis of 165 tablets allegedly containing the prohibited substance, fentanyl also .
5. Also exhibit number 1B131,case number 245D-MP-2241567, LIMS number 2020-SFL5-06161 reports the analysis of 17182 tablets allegedly containing the prohibited substance, fentanyl also.

6. Also exhibit number 1B132, case number 245D-MP-2242567, LIMS 2020FSL5-06162 reports the analysis of 15958 tablets allegedly containing the prohibited substance, fentanyl.

7. That your affiant is informed and believes that a representative sample of the substances can be delivered to a qualified laboratory for testing without harming the ability of the Government to prove its's case.

8. That your affiant has arranged with Christopher Palenik, PHD. At Microtrace, Inc., 790 Fletcher Drive, Suite 106, Elgin, IL 60123, ph (847) 742-9909 to preform definitive analysis on a representative sample of the above exhibits.

9. That Microtrace and Dr. Palenik hold DEA registration number RM0337255 which expires in 2022 and licenses them to process controlled substances as an analytical laboratory. Said license having been issued in December of 2020.

10. That the substances are presently retained at the DEA North Central Laboratory in Chicago, Illinois and can be safely transported to the Microtrace laboratory in Elgin, Illinois. A representative sample in the discretion of the DEA will suffice and be agreed to as sufficient for the purpose by the defense.

11. That such testing is necessary to prepare an adequate defense and will help to expedite the conclusion of this litigation.

12. That your affiant is informed and believes that the Government has no objection to this motion.

FURTHER YOUR AFFIANT SAITH NOT

/s/Joseph S. Friedberg  
Joseph S. Friedberg

Subscribed and sworn to before me  
on this 15th Day of January, 2021.

/s/Kelly Wilson  
Notary Public